

Feb 26, 2020

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JUAN MANUEL FERNANDEZ,

Movant,

-vs-

UNITED STATES OF AMERICA,

Respondent.

No. 2:12-CR-0125-WFN-1

ORDER ON § 2255 MOTION

Before the Court is Movant's 28 U.S.C. § 2255 Motion to Vacate, Set Aside or Correct Sentence. ECF No. 80. The Motion is submitted by Mr. Fernandez, who is appearing *pro se* in these proceedings. The pending Motion is Mr. Fernandez's second § 2255 motion. As explained in the Court's Order issued on January 26, 2017, a petitioner must obtain permission from the Ninth Circuit before this Court has jurisdiction to consider a successive § 2255. ECF No. 84. No such permission has been granted. The Court has reviewed the file and is fully informed. Accordingly,

IT IS ORDERED that Movant's Motion to Vacate, Set Aside or Correct Sentence by a Person in Federal Custody Pursuant to 28 U.S.C. § 2255, filed June 24, 2016, **ECF No. 80**, is **DENIED** with the right to renew if the Ninth Circuit grants permission.

The District Court Executive is directed to:

- File this Order,
- Provide copies to counsel and *pro se* Movant
- **CLOSE** the corresponding civil file, 2:16-CV-0231-WFN-1.

DATED this 26th day of February, 2020.



WM. FREMMING NIELSEN
SENIOR UNITED STATES DISTRICT JUDGE

02-25-20

ORDER ON § 2255 MOTION